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an offer for its purchase, silence and failure to return the property will amount to an assent to buy it. *Wheeler v. Klaholt*, 178 Mass. 141; *Turner v. Machine & F. Co.*, 97 Mich. 166; *Butler v. School Dist.*, 149 Pa. St. 351. Acceptance may also be inferred from silence where goods are sent to another without request and are used and dealt with as his own. A common illustration of this is where newspapers and periodicals are sent to one who has not subscribed to them or whose subscription has ceased. *Austin v. Burge*, 156 Mo. App. 286; *Fogg v. Portsmouth Atheneum*, 44 N. H. 115; *Goodland v. Leclair*, 78 Wis. 176. Under the circumstances of the principal case the court was justified in holding that there was a duty to notify the policyholder of the rejection and that a failure to do so amounted to an acceptance of the application.

CRIMES—EXTRADITION—EFFECT OF ILLEGAL DEPORTATION.—The petitioner was convicted of manslaughter in Oklahoma and fled to Mexico. He was illegally ejected by Mexican officials and was immediately arrested and placed in confinement in California. *Habeas corpus* proceedings being begun, the petitioner contended that he was not subject to arrest and extradition because United States and Mexican officials had conspired to bring him into California, and had done so without complying with the deportation laws of Mexico. *Held*: Had the United States officials conspired to bring the prisoner within the limits of the United States, he would not be subject to arrest, but as the evidence did not show this the petitioner was properly held, regardless of any irregularities committed by Mexican officials. *In re Jones* (Cal., 1921), 201 Pac. 944.

The rule as laid down in the principal case that irregularities of a surrendering state alone are immaterial seems to be without conflict in the cases. *Ex parte Wilson*, 63 Tex. Crim. 281. But the *dictum* to the effect that if the state in which the crime was committed participated in those irregularities, and jurisdiction was obtained by force or fraud, the offender would not be deemed within the state, is not in accord with the majority of cases. The general rule is that a court trying a person for a crime committed within its jurisdiction will not investigate the manner of his capture in case he has fled to a foreign country and has been returned to the jurisdiction. *Ex parte Barker*, 87 Ala. 4; *Ker v. Illinois*, 119 U. S. 436; *Klingen v. Kelly*, 3 Wyo. 566. These cases proceed upon the theory that the only question before the court is that of the defendant's guilt. That if any wrong has been committed it is a wrong against the state from which he was illegally taken, and those guilty must answer to the party aggrieved, which is not the defendant. A few courts have held, however, that where the officers of a state in which a crime has been committed have invaded the sovereignty of another state, and have wrongfully brought the offender back, the state acquires no jurisdiction. *State v. Simmons*, 39 Kans. 262; *In re Robinson*, 29 Neb. 135. These courts justify their conclusion upon the grounds of public policy. The court in *State v. Simmons*, *supra*, said: "Not only would the special wrong be committed against the individual, but it would be a

general wrong to society itself—a violation of those fundamental principles of mutual trust and confidence which lie at the very foundation of all organized society, and which are necessary in the very nature of things to hold society together."

**CRIMES—MANSLAUGHTER AS RESULT OF AN ACT MALUM PROHIBITUM ONLY.**—Defendant, apparently through failure of service brake, lost control over the speed of his automobile on a steep down-grade. In passing a street car letting off passengers at the foot of the grade, defendant's automobile, then traveling at an estimated speed of 35 to 40 miles per hour, struck and killed deceased. Defendant was convicted of involuntary manslaughter and appealed. The judgment on the counts based on the commission of an unlawful act was reversed because of the unconstitutionality of certain statutes and a defect in the indictment, and it was held reversible error for the judge to omit to charge the jury, without request, the law relating to the crime of involuntary manslaughter in the commission of a lawful act without due caution. *McDonald v. State* (Ga., 1921), 109 S. E. 656.

The general rule is that the unlawful act must be *malum in se*, and not merely *malum prohibitum*, in order to sustain a conviction for involuntary manslaughter. 21 Cyc. 765; *Com. v. Adams*, 114 Mass. 323; *State v. Horton*, 139 N. C. 588. Convictions for manslaughter based upon violations of laws regulating speed and establishing traffic rules are, however, becoming increasingly common, and this class of cases may be said to form a now well-recognized exception. *State v. Rountree*, 181 N. C. 535; *State v. McIver* (Del., 1920), 111 Atl. 616; *Madding v. State*, 118 Ark. 506; *People v. Camberis*, 297 Ill. 455. "It is, however, practically agreed, without regard to this distinction, that if the act is a violation of a statute intended and designed to prevent injury to the person, and is in itself dangerous and death ensues, that the person violating the statute is guilty of manslaughter at least, and under certain circumstances of murder." *State v. McIver*, 175 N. C. 761. Where the defendant is not exceeding the speed limit, or that fact is in doubt, it is generally held that, to be criminally liable, he must have been guilty of gross or wanton negligence. *People v. Adams*, 289 Ill. 339; *State v. Long*, 30 Del. 397, which was the proximate cause of the death. *Dunville v. State*, 188 Ind. 373. As suggested in *State v. McIver, supra*, the basis for the recognition of this exception is public policy, in view of the constant danger to travelers on the highways from the ever increasing automobile traffic. It is to be noted that the facts in the instant case are unusual, and if the jury should find the defendant not guilty under instructions as to the crime of involuntary manslaughter in the commission of a lawful act without due caution, it is doubtful if he could properly be convicted under the other counts.

**EQUITY—CANCELLATION BECAUSE OF MISTAKE.**—The defendant, who was the owner of the majority of the stock in the Banker's Trust Company, entered into a contract to sell his holdings to the plaintiff. Subsequently